

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

Freedom From Religion Foundation, Inc.,  
a Wisconsin non-profit corporation,

Robert Moss and Melissa Moss; and

Ellen Tillett, individually and as general guardian  
of her minor child;

Plaintiffs,

V.

Case No. 7:09-cv-1586-HMH

Spartanburg County School District No. 7,

Defendant.

**DEFENDANT’S RULE 26(a)(3) PRETRIAL DISCLOSURES**

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendant Spartanburg County School District No. 7 hereby submits the following pretrial disclosures about the evidence it may present at trial other than solely for impeachment:

1. The name and, if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises.

- a. Witnesses the party expects to present:

**Rodney Graves**  
**Spartanburg School District Seven**  
**610 Dupre Drive**  
**Spartanburg, South Carolina 29307**  
**(864) 594-4400**

**Conrad Hurst  
Spartanburg School District Seven  
610 Dupre Drive  
Spartanburg, South Carolina 29307  
(864) 594-4400**

**Suzanne McDaniel  
169 Mills Avenue  
Spartanburg, South Carolina 293002  
(864) 583-1096**

**Robert M. Tillotson  
166 Sloans Grove Road  
Spartanburg, South Carolina 29307**

**Dr. Thomas White  
Spartanburg School District Seven  
610 Dupre Drive  
Spartanburg, South Carolina 29307  
(864) 594-4400**

**John E. Wolfe  
Spartanburg School District Seven  
610 Dupre Drive  
Spartanburg, South Carolina 29307  
(864) 594-4400**

- b. Witnesses the party may call if the need arises:

**Jeff Stevens  
Spartanburg School District Seven  
610 Dupre Drive  
Spartanburg, South Carolina 29307  
(864) 594-4400**

**Steven G. Smith  
2641 Old Furnace Road  
Boiling Springs, South Carolina 29316**

**Andrew Charles Martin  
South Carolina Bible Education in School Time  
PO Box 3351  
Spartanburg, South Carolina 29304  
(864) 573-8583**

**Nancy Seay  
Oakbrook Preparatory School  
190 Lincoln School Road  
Spartanburg, South Carolina 29301  
(864) 587-2060**

**Walter L. Tobin  
40 Woodpine Court  
Columbia, South Carolina  
(803) 732-3680**

**Troy Dean Bridges  
2170 Washington Road  
Spartanburg, South Carolina 29302**

**Grayson Hartgrove  
1866 Neptune Drive  
Columbia, South Carolina 29209**

**Robert Moss  
Spartanburg, South Carolina**

**Melissa Moss  
Spartanburg, South Carolina**

**Ellen Tillett  
Spartanburg, South Carolina**

**George Daly  
Charlotte, North Carolina**

2. The designation of those witnesses whose testimony the party expects to present by deposition.

**None.**

3. An identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

a. Items the party expects to offer.

**Spartanburg County School District No. 7 Released Time for Religious Instruction Policy JHCB (March 2007) (SPBG 00050) (D-Ex. B-13)**

**South Carolina Attorney General Opinion No. 07-011 (January 29, 2007) (Dep. Ex. 106)**

**South Carolina Transfer Regulations (Dep. Ex. 123)**

**Agreement between SCBEST and Oakbrook Preparatory School (SPGB 00688-00689) (Dep. Ex. 147)**

**Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, January 9, 2007 (SPBG 00095-00101) (Dep. Ex. 151)**

**Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, February 6, 2007 (SPBG 00102-00108) (Dep. Ex. 152)**

**Spartanburg County School District No. 7 Minutes of Regular Meeting of the Board of Trustees, March 6, 2007 (SPBG 00109-00114) (Dep. Ex. 153)**

**South Carolina Uniform Grading Policy (Dep. Ex. 165)**

**Spartanburg High School Transcript of Plaintiff Tillett's Minor Child (redacted) (Dep. Ex. 196)**

**Spartanburg High School Transcript of Plaintiff Melissa Moss (redacted) (Dep. Ex. 197)**

**Spartanburg High School Overview (D-Ex. B-28)**

**Defendant's Response to Plaintiffs' Third Set of Rule 34 Document Requests to Defendant (October 5, 2010)**

**Excerpts from South Carolina School Boards Association 2006 Policy and Legislative Update (South Carolina Released Time Credit Act), including South Carolina School Boards Association Model Policy JHCB (D-Ex. B-11)**

b. Items the party may offer if the need arises.

**Georgia House Resolution 02 LC 30 0180, adopted February 8, 2002 (D-Ex. A)**

**South Carolina Department of Education Division of Standards and Learning Credit Recover, a Guidance Document for Service Delivery (D-Ex. B-9)**

**Troy Bridges letter to Chip Hurst (October 18, 2006) (SPBG 00081) (Dep. Ex. 180)**

**Stanley Case letter to Chip Hurst (November 17, 2006) (SPBG 00079-00080) (Dep. Ex. 182)**

**Drew Martin letter to Chip Hurst (November 22, 2006) (SPBG 00166-00167) (Dep. Ex. 59)**

**Drew Martin draft email (Dec. 29, 2006) (SCBEST 00222-00224) (Dep. Ex. 108)**

**Drew Martin letter to Chip Hurst (June 28, 2007) (SPBG 00407) (Dep. Ex. 183)**

**Drew Martin letter to Rodney Graves (Feb. 29, 2008) (SPBG 00043) (Dep. Ex. 70)**

**Emails between George Daly and Drew Martin (DSC MOSS DOC PROD 0173-0185) (Dep. Ex. 118)**

**Emails between George Daly and Rodney Graves (DSC MOSS DOC PROD 0108-0109; SPBG 00353-00354)**

**George Daly's notes from conversations with Rodney Graves and others (DSC MOSS DOC PROD 0188-0190) (Dep. Ex. 195)**

**Spartanburg High School Handbook, 2007-08 (SPBG 00444-00508) (Dep. Ex. 168)**

**Spartanburg High School Handbook, 2008-09 (SPBG 00509-00573)**

**Spartanburg High School Handbook, 2009-10 (SPBG 00574-00652)**

**SCBEST Letter to Parents and Students (undated) (DSC MOSS PROD 0012) (Dep. Ex. 157)**

**SCBEST Letter to Parents (undated) (SCBEST 00203) (Dep. Ex. 83)**

**Spartanburg County School District No. 7 Draft Letter (March 9, 2007) (SPBG 00073) (Dep. Ex. 158)**

**Spartanburg County School District No. 7 Draft Letter (March 9, 2007) (SPBG 00340) (Dep. Ex. 159)**

**Spartanburg County School District No. 7 Draft Letter to Robert Moss and Heidi Moss (SPBG 00074) (Dep. Ex. 187)**

**FFRF Press Release, “Watchdog, Parents File Suit Against South Carolina Release-Time Credits,” (June 17, 2009) (DSC MOSS PROD 0007-0008)**

**FFRF News Release, “Court: FFRF Can Sue Over S.C. School Religious Education (December 30, 2009) (DSC MOSS PROD 0160-0161)**

**FFRF editorial to the Spartanburg Herald Journal, “Cut the Credit for Release Time,” (July 31, 2009) (DSC MOSS PROD 0163-0166)**

**Spartanburg Herald Journal Article, “Religion Elective Facing Scrutiny,” (March 16, 2007) (SPBG 00124-00125) (Dep. Ex. 177)**

**Associated Press Article, “Students to get academic credit for Bible study,” (June 19, 2006) (SPBG 00122–00123) (Dep. Ex. 176)**

**Education Week Article, “S.C. to Allow Credit for Off-Campus Study Week” (Sept. 20, 2006) (D-Ex. N-4)**

**Robert Moss letter submitted to the Spartanburg Herald Journal (August 2009) (DSC MOSS PROD 0074) (Dep. Ex. 190)**

**Text of Robert Moss and/or Heidi Moss comments to the Spartanburg County School District No. 7 Board of Trustees (March 6, 2006) (DSC MOSS PROD 0013-0014; SPBG 00075-00076) (Dep. Ex. 188, 189)**

**Robert and Heidi Moss letter to the ACLU (DSC MOSS DOC PROD 196)**

**Robert Moss letter submitted to Spartanburg Herald Journal (August 2009) (Dep. Ex. 190)**

**Robert Moss letter to Ms. Kimsey (DSC MOSS DOC PROD 212)**

**Robert and Heidi Moss letter to Mr. Moore (March 8, 2007) (DSC MOSS DOC PROD 194) (D-Ex. B-19)**

**Emails between Thomas White and Rodney Graves (Dep. Ex. 122A, 123A)**

**Rodney Graves notes (Dep. Ex. 124A, 161, 162)**

**SCBEST Poster (SPBG 00130) (Dep. Ex. 178)**

**Beth Meadows (Dorman High School) letter to Drew Martin (Nov. 13, 2008) (SPBG 00369) (Dep. Ex. 172)**

**Plaintiffs’ Response to Defendant’s First Set of Interrogatories and First Set of Request for the Production of Documents (May 5, 2010)**

**Plaintiffs' Amended and Supplemental Response to Defendant's First Set of Interrogatories and First Set of Requests for the Production of Documents (June 2010)**

**Plaintiffs' Response to Defendant's Second Set of Interrogatories (October 4, 2010)**

**Plaintiffs' Supplemental Response to Defendant's Second Set of Interrogatories (October 29, 2010)**

**Plaintiffs' Second Supplemental Response to Defendant's Second Set of Interrogatories (November 8, 2010)**

**Plaintiffs' Response to Defendant's First Set of Requests for Admissions (October 4, 2010)**

**Plaintiffs' Amended Response to Defendant's First Set of Requests for Admissions (October 23, 2010)**

**Plaintiffs' Second Amended Response to Defendant's First Set of Requests for Admissions (October 29, 2010)**

**Plaintiffs' Supplemental Response to Defendant's First Set of Requests for the Production of Documents (October 29, 2010)**

**Plaintiffs' Response to Defendant's Second Set of Requests for the Production of Documents (September 14, 2010)**

**Plaintiffs' Response to Defendant's Third Set of Requests for the Production of Documents (October 4, 2010)**

**Plaintiffs' Supplemental Response to Defendant's Third Set of Requests for the Production of Documents (October 29, 2010)**

**Plaintiffs' Second Supplemental Response to Defendant's Third Set of Requests for the Production of Documents (November 8, 2010)**

Respectfully submitted,

/s/Kenneth E. Darr, Jr.  
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February 4, 2011  
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